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Attorney for Defendant American Family Mutual Insurance Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

| | | |
|---------------------------|---|------------------------------|
| HARLEY WILSON and DANI JO |) | Case No. <u>2:15-CV-1512</u> |
| WILSON, |) | |
| |) | DEFENDANT'S NOTICE OF |
| Plaintiffs, |) | REMOVAL |
| |) | |
| v. |) | |
| |) | |
| AMERICAN FAMILY MUTUAL |) | |
| INSURANCE COMPANY, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

PLEASE TAKE NOTICE THAT Defendant, American Family Mutual Insurance Company ("Defendant") hereby removes this action from the Circuit Court of the State of Oregon for the County of Malheur. (Case No. 15CV1319) to the United States District Court for the District of Oregon pursuant to 28 U.S.C. § 1446. This Notice of Removal is supported by the following facts, and is made without prejudice to Defendant's right to assert that venue in the state court and in this Court is improper, in addition to any other defenses available under Fed. R. Civ. P. 12(b).

1. Defendant is a party in a civil action brought against it in the Circuit Court of the State of Oregon for the County of Malheur entitled "Harley Wilson and Dani Jo Wilson, Plaintiffs, v. American Family Mutual Insurance Company, Defendant, No. 15CV1319." A copy of the summons and complaint in that action is attached to this notice and constitutes all process, pleadings, and orders served on the defendant in that action up to the present date.

2. The state court action was commenced when the Complaint was filed with the county clerk for Malheur County, Oregon, on or about July 24, 2015. A copy of the summons and complaint was served on Sharon Walls with defendant's registered agent, Corporation Service Company, personally, at her place of business on July 29, 2015. Defendant has filed no pleadings in this cause. This notice of removal is filed within 30 days after service of process.
3. The state court action is a controversy between citizens of different states. When the summons and complaint were served, plaintiff was, and now is, a citizen of and domiciled in the State of Oregon. Defendant was, at the time of the filing of this action, and still is, a Wisconsin corporation having its principal place of business in Madison, Wisconsin. Therefore, Defendant is a citizen of the State of Wisconsin.
4. This is an action of civil nature over which this court has original jurisdiction pursuant to 28 USC § 1332(a), in that it is a suit for declaratory relief where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.
5. This notice is signed pursuant to FRCP 11.

DATED this 11th day of August, 2015.



By: _____

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Certificate of Service

I hereby certify that I served the foregoing DEFENDANT'S NOTICE OF
REMOVAL on the following parties:

Max S. Taggart, II
Taggart & Taggart
399 S Oregon St
Ontario, OR 97914

Attorney for Plaintiffs

By mailing a correct copy to said parties at the referenced address on the date
stated below.

DATED this 11th day of August, 2015.



By: _____

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